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Westchester Capital Management, Inc and
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IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HCL PARTNERS LIMITED PARTNERSHIP, On behalf of Itself and all others similarly situated, Plaintiff, -v- LEAP WIRELESS INTERNATIONAL, INC., S. DOUGLAS HUTCHESON, DEAN M. LUVISA, AMIN I. KHALIFA and PRICEWATERHOUSECOOPERS, LLP, Defendants.	Case No.: 07-cv-2245-BTM-NLS **CLASS ACTION** **NOTICE OF MOTION AND MOTION BY CLASS MEMBERS WESTCHESTER CAPITAL MANAGEMENT, INC. AND GREEN & SMITH INVESTMENT MANAGEMENT L.L.C. FOR THE CONSOLIDATION OF ALL RELATED ACTIONS, FOR APPOINTMENT AS LEAD PLAINTIFF AND FOR APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL** DATE: TBD TIME: TBD JUDGE: Hon. Barry Ted Moskowitz CTRM: 15 (5th Floor)
FRANK CHAREK, Individually and on behalf of all others similarly situated, Plaintiff, -v- LEAP WIRELESS INTERNATIONAL, INC., S. DOUGLAS HUTCHESON, MARK H. RACHESKY, AMIN I. KHALIFA, GLENN UMETSU, and DEAN M. LUVISA, Defendants.	Case No.: 07-cv-2256-BTM-NLS

[Caption continued on next page]

DEVAY CAMPBELL, Individually and on behalf of all others similarly situated, Plaintiff, -v- LEAP WIRELESS INTERNATIONAL, INC., S. DOUGLAS HUTCHESON, MARK H. RACHESKY, AMIN I. KHALIFA, GLENN UMETSU, and DEAN M. LUVISA, Defendants.	Case No.: 07-cv-2297-BTM-NLS

PLEASE TAKE NOTICE that, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), class members Westchester Capital Management, Inc. and Green & Smith Investment Management L.L.C. (together, "Westchester Capital"), hereby move this Court at the United States District Court for the Southern District of California, at a date and time to be determined by the Court, for an Order: (i) consolidating all related cases and any subsequently filed related cases; (ii) appointing Westchester Capital on behalf of the funds it advises as Lead Plaintiff in the consolidated action and any subsequently filed related cases; and (iii) approving the selection of Abbey Spanier Rodd & Abrams, LLP as Lead Counsel and Hulett Harper Stewart LLP as Liaison Counsel.

This Motion is based on the accompanying Memorandum of Points and Authorities, the Declaration of Nancy Kaboolian, and all prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

DATED: January 28, 2008

HULETT HARPER STEWART LLP
BLAKE MUIR HARPER
KIRK B. HULETT

_*s/Kirk B. Hulett*___________________________
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